



## **SUPERIOR COURT OF CALIFORNIA COUNTY OF SOLANO**

### **APPOINTED COUNSEL BILLING GUIDELINES (Criminal)**

#### **I. Introduction**

The following are guidelines for the County of Solano (County), the Superior Court of Solano County (Court) and the private attorneys appointed by the Court (Counsel) to represent indigent criminal defendants.

##### **A. Purpose**

The purpose of these guidelines is to create uniformity in attorney billing practices and provide appointed counsel a framework within which to submit their billings.

These guidelines apply only to adult criminal proceedings.

##### **B. Terms and Conditions**

1. The Court and the County reserve the right to review all bills for accuracy and accountability.
2. Should any discrepancies arise between the billing of a file and the Trial Court's recollection of the case, Court and Counsel will meet and confer before final approval of the bill.
3. Should billing irregularities persist with any particular lawyer or law firm, the Court reserves the right to remove the offending party from the appointments list after reasonable notice and opportunity to reform and follow the guidelines.

#### **II. Regularity of Billing**

A. In most court appointed cases, billing should be submitted promptly after services have been rendered, i.e. the case at trial level is completed and there are no future court dates or trial level litigation pending. In most instances, this will be after Acquittal, Dismissal or Judgment and Sentence.

1. Upon completion of the case, final billing should be submitted within thirty (30) days; however, counsel will have up to ninety (90) days to submit their final invoices.

2. Invoices submitted after 90 days will risk non-payment and should be accompanied by a letter explaining the reason(s) for the delay.
3. For purposes of fiscal year accounting, counsel are urged to submit any invoices or bills for services accrued within the fiscal year ending June 30 as soon as possible and in no event 30 days after the end of the fiscal year.

PLEASE NOTE: These billing guidelines do not apply to services rendered on behalf of California State prison inmates. In State Prison cases, bills must be submitted to the Superior Court Administration office within three months of incurring the charges so that those bills may be processed and forwarded to the State in a timely manner.

**B. Misdemeanor Cases**

1. Billing will be submitted every ninety (90) days from date of appointment.
2. If services rendered are less than \$250, billing should be carried over until the next quarter.
3. Upon completion of the case, final billing should be submitted within thirty (30) days. Counsel will have the ninety (90) day period to submit the final bill, if necessary.

**C. Standard felony cases should be billed as follows:**

1. Once after Preliminary Examination; once after Trial preparation; and once after completion of the Trial or Judgment and Sentence.
2. The same \$250 threshold amount applies to felony matters.

**D. Complex, lengthy cases, such as homicides and serious felonies:**

1. Counsel can bill with regularity prior to the conclusion of the case.
2. Billing will not be submitted less than quarterly unless the services provided have ended and the billing is a final invoice.
3. Billing can be extended beyond the quarter if services billed for the quarterly period are less than \$250. Do not submit intermittent bills for less than \$250.

All billing invoices will include the defendant's name, court case number and the charges. Subsequent bills will have the total cumulative amount of hours and services already rendered and the amount already paid or owing from the County.

All final bills must state "FINAL INVOICE" when submitted.

### III. Billing Rates for Attorneys and Investigators

This section outlines the hourly rates for attorneys and investigators. Any deviation from these rates must be approved by the Supervising Judge of the Criminal Division via an *ex parte* request.

#### A. Terms and Conditions

1. The Court expects that attorneys will bill for attorney work only and use investigators for investigative work. Clerical work will not be billed to the County. For example, investigator work includes, but is not limited to: arranging clothes/dress out for client for jury trial; coordinating witnesses' presence at hearings; serving subpoenas; interviewing witnesses, etc. The Court reserves the right to reduce the rate on attorney bills from the attorney rate to the investigator rate for investigator type work performed by the attorney.
2. The Court will not reimburse counsel or investigators for mileage to and from Court, County Jail or State Prison. Mileage to contact and interview witnesses will be allowed. The current mileage rate is set according to IRS standards and subject to change annually.
3. Attorneys will bill for actual time only, rounded up to the nearest tenth of an hour (.10). Billing can also be calculated by the quarter or half hour, if appropriate. Double or multiple billing will not be tolerated. For example, if an attorney is called to court for an appointment to represent a client who has one new file and one probation violation file; the attorney will bill for the actual time to accept the appointment and review each file, and not one hour for each file, assuming the total time spent on review of both files was one hour.
4. There will be no "bundling of services," and therefore each legal task must be itemized. Attorneys should not list multiple activities under one billing time allotment.
5. The Court will carefully review attorney claims requesting reimbursement for legal research of issues and the assigned judge reserves the right to limit or cut amounts deemed by the Judge to be excessive.
6. Requests for transcription will be made *ex parte* to the Court. Every effort will be made to meet and confer with the other litigants in the case, to include the District Attorney's Office, to avoid duplicitous and excessive transcription in multiple co-defendant matters prior to requesting transcripts.

7. As Court appointed counsel and investigators must have their principal place of business in the county, mileage to and from the Court from their offices for court appointments or appearances will not be allowed.

Attorney Rates

Misdemeanor cases:	\$80 per hour
Felony cases:	\$85 per hour
Three strikes/ Sex life top cases:	\$100 per hour
PC 187 cases:	\$115 per hour
Capital/ Special Circ.:	\$125 per hour

Investigator Rates

General cases:	\$50 per hour
Homicide cases (Adult):	\$55 per hour

8. Requests for investigator services and fees must describe the work needed; the hourly rate requested and the estimated number of hours to complete the investigation. The Court reserves the right to reduce the requested total amount.
9. Should the attorney/investigator exhaust the allocated funds and need more investigation in the case, the attorney can request, ex parte, further investigation fees from the trial judge. This additional request will follow the same guidelines as above.
10. Any requests for payment of investigative services already performed yet not previously requested or approved will be denied absent unusual and exigent circumstances.
11. The timeline and deadlines for investigative billing are the same as the attorney billing guidelines.

**B. Reimbursement**

The County will not reimburse the following costs:

1. Expungement requests or termination of probation requests per PC 1203.4. These matters will be handled by the Public Defender for indigent defendants.
2. Telephone charges inside 707 area code, or collect calls, or for time billed for refusing to accept a collect call from an in-custody client.
3. Clerical or messenger services.
4. Postage, Fax charges or office supplies.

5. The County will limit reimbursement for defendant clothing for Jury Trial to \$100 upon presentation of original receipts. Once trial is complete, clothing can be given to the Public Defender's office to supplement their indigent client wardrobe.
6. Photocopy expense will be reimbursed up to \$.12 per page, unless otherwise approved by the Court.

#### IV. Private Attorney Retained Billing for Auxiliary Services

On occasion, Counsel is privately retained by the defendant, yet still requests additional funds from the Court for investigative fees and/or experts, etc. Upon entering a fee agreement, Attorneys are strongly advised to properly calculate the true costs of representation of their clients to include investigation and experts and not rely on the Court to supplement these costs for the client.

In unusual and unforeseen circumstances, the Court MAY authorize supplemental fees for investigation or experts provided that counsel provide ex parte:

- 1) A copy of the attorney-client fee agreement;
- 2) An Indigency Declaration in Support of Application for Court Funded Auxiliary Services (attached); and
- 3) A declaration from the attorney on how these services/funds were not foreseeable prior to the execution of the contract for services and why they are now necessary and why they must be authorized for payment by the Court.